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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To direct the Federal Trade Commission to revise the Telemarketing Sales Rule to require disclosures for telemarketing using artificial intelligence and to provide for enhanced penalties for violations involving artificial intelligence voice or text message impersonation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SCHAKOWSKY introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Federal Trade Commission to revise the Telemarketing Sales Rule to require disclosures for telemarketing using artificial intelligence and to provide for enhanced penalties for violations involving artificial intelligence voice or text message impersonation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Restrictions on Uti-
3 lizing Realistic Electronic Artificial Language Act” or the
4 “R U REAL Act”.

5 **SEC. 2. DISCLOSURE REQUIRED FOR TELEMARKETING**
6 **USING AI.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Federal Trade Com-
9 mission shall revise the Telemarketing Sales Rule (part
10 310 of title 16, Code of Federal Regulations) so as to add
11 a requirement that, if a person makes a call or sends a
12 text message with respect to telemarketing and uses artifi-
13 cial intelligence in such call or text message to emulate
14 a human being, such person shall disclose at the beginning
15 of such call or text message the fact that artificial intel-
16 ligence is being used.

17 (b) DEFINITIONS.—In this section, the terms “tele-
18 marketing” and “text message” have the meanings given
19 such terms in section 7 of the Telemarketing and Con-
20 sumer Fraud and Abuse Prevention Act (15 U.S.C. 6106),
21 as amended by this Act.

22 **SEC. 3. ENHANCED PENALTIES FOR VIOLATIONS OF TELE-**
23 **MARKETING RULES INVOLVING AI VOICE OR**
24 **TEXT MESSAGE IMPERSONATION.**

25 (a) IN GENERAL.—Section 6 of the Telemarketing
26 and Consumer Fraud and Abuse Prevention Act (15

1 U.S.C. 6105) is amended by adding at the end the fol-
2 lowing:

3 “(e) ENHANCED PENALTIES FOR VIOLATIONS IN-
4 VOLVING AI VOICE OR TEXT MESSAGE IMPERSON-
5 ATION.—

6 “(1) PENALTIES UNDER FEDERAL TRADE COM-
7 MISSION ACT.—Notwithstanding subsection (b), in
8 the case of a violation described in paragraph (2),
9 the maximum amount of the civil penalty that may
10 be imposed for such violation under subsection (l) or
11 (m) (as the case may be) of section 5 of the Federal
12 Trade Commission Act (15 U.S.C. 45) shall be twice
13 the maximum amount that may be imposed for such
14 violation under such subsection without regard to
15 this subsection.

16 “(2) VIOLATIONS DESCRIBED.—The violations
17 described in this paragraph are the following:

18 “(A) A violation of a rule prescribed by the
19 Commission under section 3 with respect to
20 which the party making the call or sending the
21 text message uses artificial intelligence to im-
22 personate an individual or entity with the intent
23 to defraud, cause harm, or wrongfully obtain
24 anything of value.

1 “(B) A violation of a cease-and-desist
2 order issued by the Commission under section
3 5(b) of the Federal Trade Commission Act (15
4 U.S.C. 45(b)) with respect to a violation de-
5 scribed in subparagraph (A).”.

6 (b) APPLICABILITY.—The amendment made by sub-
7 section (a) shall apply with respect to violations occurring
8 after the date of the enactment of this Act.

9 **SEC. 4. DEFINITIONS.**

10 Section 7 of the Telemarketing and Consumer Fraud
11 and Abuse Prevention Act (15 U.S.C. 6106) is amended—

12 (1) in paragraph (4), by inserting “or text mes-
13 sage” after “telephone call”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(5) TEXT MESSAGE.—

17 “(A) IN GENERAL.—The term ‘text mes-
18 sage’ means a message consisting of text, im-
19 ages, sounds, or other information that is trans-
20 mitted to or from a device that is identified as
21 the receiving or transmitting device by means of
22 a 10-digit telephone number, N11 service code,
23 short code telephone number, or email address,
24 or that is transmitted through application-to-
25 person messaging, and includes—

1 “(i) a short message service (com-
2 monly referred to as ‘SMS’) message;

3 “(ii) a multimedia message service
4 (commonly referred to as ‘MMS’) message;
5 and

6 “(iii) a rich communication service
7 (commonly referred to as ‘RCS’) message.

8 “(B) LIMITATION.—The term ‘text mes-
9 sage’ does not include a real-time, two-way
10 voice or video communication.”.